



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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FEB 17 2012

Mr. Dan Randolph
San Juan Citizens Alliance
1022 ½ Main Avenue
P.O. Box 2461
Durango, CO 81302

RE: Upper Cement Creek, CO

Dear Mr. Randolph:

Thank you for your November 11, 2011, letter to Jim Martin, Howard Cantor and Sabrina Forrest regarding Upper Cement Creek.

We have heard from a number of citizens and other stakeholders who have voiced interest in working collaboratively to address water quality in Upper Cement Creek. We'd like to assure you that the United States Environmental Protection Agency (EPA) has not made a decision concerning listing of the Upper Cement Creek area. The decision to propose a site for the National Priorities List (NPL) can only be made after a technical evaluation is completed to determine if the site is eligible. The EPA is just completing this technical evaluation. In addition, both the State and the EPA seek community support prior to a site being proposed for listing and the EPA wants the community to understand why we are looking at this option.

More than 15 years ago the EPA committed to a community-based environmental protection effort in San Juan County, and indicated that Superfund would not be used as long as progress was being made in improving water quality in the Animas River. Unfortunately, water quality has significantly degraded in the Animas River in the last five years. It is evident that historic mine waste in Cement Creek, a tributary of the Animas River, is having a negative impact on the Animas. These impacts are likely related to cessation of water treatment in Gladstone and plugging of the American Tunnel. The EPA has compared the last five years of data to earlier data sets that indicated improvements in water quality. The Animas River Stakeholder Group (ARSG) has summarized some of these data and the EPA is also evaluating these data. If experience in other mining impacted areas is any guide, the resources required for solutions to this sort of problem will be substantial, and long-term operation and maintenance of the solution or solutions may be required.

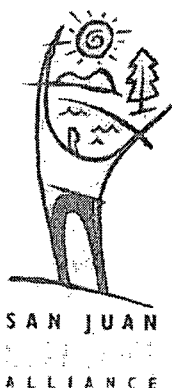
EPA is working with other federal agencies, the State, and local community members to identify options to reverse the degradation and improve water quality in the Animas River. It is too soon to make conclusions about how best to correct this condition. However, if the best solutions require substantial

and long-term resources, CERCLA process and the NPL may be the only means to assure that full resources available to the EPA can be committed. EPA is also limited in its ability to fund interim actions and long-term projects that require ongoing operations and maintenance.

The EPA looks forward to continuing the dialogue with you and other stakeholders regarding possible options to address water quality issues in Upper Cement Creek. If you would like to discuss this further, please contact me at 303-312-6607.

Sincerely,

Michael Holmes
Project Manager



November 11, 2011

Sabrina Forrest
Site Assessment Manager

James B. Martin
Administrator – Region 8

Howard Cantor
Deputy Regional Administrator – Region 8
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202-1129

Dear Sabrina, Jim and Howard,

I am writing in support of the collaborative community process working on finding solutions to the Cement Creek water quality issues in San Juan County, Colorado. San Juan Citizens Alliance has been involved in the Animas River Stakeholders Group (ARSG) for many years, and is currently involved in the Upper Cement Creek Work Group.

The issue of mine drainage in Upper Cement Creek adding unacceptable quantities of metals to the Animas River is extremely significant and of great concern. We believe the EPA is rightfully involved in the issue, and are grateful for the significant resources and knowledge the EPA has provided to the process. We encourage the EPA to remain very involved, and we firmly believe any solutions must meet EPA approval.

At this point in time, we hope the EPA doesn't inadvertently undermine the voluntary collaborative, community driven process, set up under ARSG as the Upper Cement Creek Work Group (UCCWG). The UCCWG is actively exploring options for long-term, feasible, and effective solutions to the metal loading issue. San Juan Citizens Alliance is aware that EPA is considering sending 104(e) letters to PRPs and potentially putting the area on the NPL list. We are concerned that either of these actions could reduce the willingness of some of the entities currently active in the UCCWG to participate in the collaborative process. We therefore encourage the EPA to proceed with extreme caution.

San Juan Citizens Alliance is hopeful that the UCCWG process can make real headway on finding feasible technical solutions. The questions of long-term funding for operating and maintaining any physical treatment plant may prove more difficult, and may require additional EPA action and involvement when the group reaches that point in the process. However, the effectiveness of the ARSG has been well established, and we are hopeful that the UCCWG will prove capable of similar effectiveness.

Again, we are requesting the EPA to consider the effect of either NPL listing or 104(e) letters on the on-going collaborative process prior to taking either action. We firmly support the EPA's involvement in the process, but hope to maintain the collaborative nature of the process for as long as it appears both willing and capable of moving toward a solution.

Thank you for your attention to this issue and please contact me if you have any questions.

Respectfully,


Dan Randolph, Executive Director

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